

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

May 19, 2008

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, May 19, 2008 at 7:00 p.m. The meeting was held in the Council Room of City Hall, 11 LaFayette Street. Notice of this meeting was sent to Council on May 15, 2008, posted at City Hall, and published in the Daily Press.

ROLL CALL

Present: Mayor Sally Geyer, Dennis Nero, Thomas Farley, Sean Gabler, Richard Dornisch, Richard Gabler, Jr., and City Manager David Greene

Absent: Steven Skok and Solicitor Mark Jacob
(both excused)

VISITORS

Visitors included: David P. Struble, Paula Hansen, Gerry Williamson, Sue Brawand, Dean W. Hansen, Katie Weidenboerner, Tom Wagner, Diane Dobson, George Dobson, Jeremy Gabler, Jack Gabler, Warren Stewart, and Richard Sadley

APPROVAL OF MINUTES
May 5, 2008

A motion was made by Richard Dornisch to approve the minutes of May 5, 2008, seconded by Richard Gabler, and all were in favor.

CITIZEN COMMENTS ON
AGENDA TOPICS

Mayor Geyer asked David Struble, Paula Hansen, and anyone else present to speak later during the meeting regarding the Dobson Subdivision.

MANAGER'S REPORT

Manager Greene presented the following report:

- April 23rd, met with Bob Yoder and a local businessman about development in the downtown.
- Carol Muhitch and I met with Tom Zimmerman on April 23rd to discuss our Pension Audit Report.
- Attended the Elk Co. Transportation meeting on May 1st in Ridgway to review the draft transportation report for the County.
- On May 7th, attended the St. Marys Municipal Authority meeting to discuss a sewer line extension on Airport Rd.
- May 7th, attended the Recreation Bd. meeting.
- On May 8th, Tim Brennan, Matt Young, and I met with residents of Airport Rd. to review the location of the new sanitary sewer line.
- Met with Bob Yoder on May 15th, to discuss the "Impact St. Marys" projects.

APPROVAL OF EXPENDITURES

Sean Gabler made a motion to approve the Expenditures Report for the period April 12, 2008 thru May 16, 2008, seconded by Thomas Farley, and all were in favor.

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TREASURER'S REPORT

Mayor Geyer presented the Treasurer's Report as of April 30, 2008. As of the end of April, the City has collected 17.13% of the Real Estate Tax Revenue, up from last year of 16.61%; 2006 was 27.5%. Earned income tax collected as of April 30, 2008 is at 25.03% down from last year of 26.54% and in 2006, 32%. On May 8, 2008, the City collected \$2,260,000. in real estate taxes and \$17,049.34 in Local Service Taxes. There was an increase in market value for the Pension Funds this month.

LEGISLATIVE ACTION

Award Bid:

Hazardous Material
Remediation/
Abatement
(Industrial Steel)

The following two bids were received and opened during a public meeting held on May 12, 2008 at 10:00 a.m. at City Hall for Hazardous Material Remediation/Abatement for Industrial Steel & Pipe located at 294 Depot Street:

Project Development Group, Inc. (PDG)
Pittsburgh, PA.....\$14,750.00

Clarion Environmental Services, Inc.
Clarion, PA.....\$21,725.00

The Manager explained another bid was received but it was received too late and returned.

A letter was received from Mark R. Bates, of Thomas Harley Architects. Mr. Bates stated the bids were reviewed by the architect's office and they recommend the City accept the bid from Project Development Group, Inc. (PDG) of Pittsburgh in the amount of \$14,750.00. The bid is in order and complies with the specifications.

Richard Dornisch made a motion to award the bid to Project Development Group, Inc. The motion was seconded by Dennis Nero.

Dennis Nero questioned if all the bids came in with the 5% bid security. Manager responded yes.

Sean Gabler asked where the funding is coming from for this project. The Manager replied funding will come out of the total project money from the RCAP grant and that no local monies will be used.

Mayor Geyer noted there was quite a difference in the amount of the two bids.

Richard Dornisch asked how long will it take to do this work. The Manager responded they would like to start in July and that it should only take a week to 10 days to complete.

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Motion Passed

All were in favor to award the bid to Project Development Group, Inc.

Subdivision Applications:

John & Sandra Gabler,
Kay Fork Road

A Subdivision Application was received for John & Sandra Gabler, Kay Fork Road. This subdivision proposes to revise an earlier subdivision to allocate additional land to two sons of the applicant. The previous subdivision divided a 5.34 acre parcel to Jeremy Gabler as a building lot. The parent parcel is enrolled in the Clean & Green Program, which restricts the division of land to a minimum of 10 acres, so the applicant wishes to divide a 9.71 acre tract (Lot No. 4) to be added to the Jason Gabler parcel and an 8.04 acre tract (Lot No. 3) to the Jeremy Gabler parcel. The new lots will be added to the existing parcels. All parcels have approved septic systems.

Dennis Nero made a motion to accept the John and Sandra Gabler subdivision. The motion was seconded by Thomas Farley.

Thomas Farley asked if Lot No. 4 is going to be attached to Lot No. 1 and does Lot No. 3 go to Lot No. 2? Manager replied yes. Mr. Farley also inquired about the right-of-way/driveway for Lot No. 1. The Manager felt the original subdivision included the 50 ft. right-of-way and that this subdivision is only for lot additions.

Motion Passed

All were in favor to approve the subdivision for John and Sandra Gabler.

George & Diane Dobson
S. Michael Rd. &
W. Eschbach Rd.

A Subdivision Application was presented for George and Diane Dobson, S. Michael Road and W. Eschbach Road. This subdivision proposes to divide a 12.31 acre lot (Parcel A) from 22.65 acres (Parcel B) for the purpose of a new building lot. Parcel A does not have adequate frontage or lot width according to Zoning Ordinance, but the Zoning Hearing Board granted variances for Parcel A on April 23, 2008. The new lot has access to public water and sewage. The residual parcel is 10.34 acres and is vacant.

David Struble

David Struble, 844 W. Eschbach, expressed his concerns regarding the gas and water lines, his trees next to where grading will be done, and heavy truck traffic on the road.

Paula Hansen

Paula Hansen, 877 S. Michael Street, spoke regarding a water drainage problem caused by a pipe which was installed by Mr. Dobson directing water into their back yard. Ms. Hansen felt construction should be stopped until the water drainage problem is solved.

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Dean Hansen

Dean Hansen, 877 S. Michael Street, also expressed his concerns regarding the water drainage which he stated was artificial flooding.

Gerry Williamson

Gerry Williamson, of W. Eschbach Rd., claimed a utility right-of-way is being used by the Dobsons and others. She felt this right-of-way was not a road but was her property.

Attorney Thomas Wagner

Attorney Thomas Wagner was present on behalf of George and Diane Dobson. Mr. Wagner stated the only issue tonight is whether or not the Dobsons can subdivide their property. He stated this subdivision does not involve any construction or any surface water control and that someday when someone wants to develop this land, they will have to address the issue of surface water drainage by submitting a surface water plan and getting a permit from the City.

Attorney Wagner then addressed each citizen's concern noting their concerns have nothing to do with the Subdivision Application. He also noted in 1947, Benzinger Township Supervisors vacated a portion of Eschbach Road. At one time, Eschbach Road went all the way through from South Michael Rd. to Trout Run Rd. Mr. Wagner stated Mr. Dobson does have an easement to continue using the old road for access to his property.

Thomas Farley asked when the Township vacated a portion of the road, didn't half of the road, from the center line, revert back to the land owners? Mr. Wagner stated normally it does but the original deeds would need to be searched.

After further comments from citizens, Richard Dornisch made a motion to approve the George and Diane Dobson subdivision. The motion was seconded by Thomas Farley.

Dennis Nero requested that Mr. Dobson work with the neighbors to try and solve their concerns.

Gerry Williamson

Gerry Williamson asked Council what to do next to solve her problems.

Attorney Wagner added that Parcel A may be conveyed to the Methodist Church to construct a church. If Parcel A is conveyed, the church will have to apply for permits at City Hall.

Motion Passed

All were in favor to approve the subdivision for George and Diane Dobson.

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TOPICS FOR DISCUSSION

Dog Ordinance

Mayor Geyer stated in regards to the dog ordinance rumor, there has been no ordinance presented to Council concerning a dog barking or any kind of dog ordinance.

Memorial Trees

Manager Greene addressed a question that had been raised regarding the trees in Depot Street lot being memorial trees. He stated they are not. The trees on Erie Avenue are memorial trees.

Paula Hansen

Paula Hansen inquired whether or not there is a curfew for area youth. Manager Greene will check the City Ordinances.

Letter from Planning
Commission re: Rezoning
Proposal N. St. Marys
Street

Sean Gabler read a memo from the St. Marys Planning Commission regarding a rezoning proposal for N. St. Marys Street. The Commission stated due to recent developments in the N. St. Marys Street area, they discussed the possibility of rezoning the Highway Commercial District to Residential Suburban. The Commission is seeking any preliminary comments for or against the proposal from City Council. Mr. Gabler stated even if the area is rezoned, the area would be grandfathered and he felt if the area remains Highway Commercial, there is a better chance for redevelopment.

Thomas Farley noted he submitted his written comments to the Planning Commission regarding the rezoning proposal on N. St. Marys Street.

CITIZEN COMMENTS ON
NON-AGENDA TOPICS

There were no citizen comments on non-agenda topics.

COUNCIL COMMENTS

Richard Gabler stated he witnessed the mock accident held recently at the St. Marys Area High School and he wanted it noted how professional our emergency services are. They did a wonderful job.

Sean Gabler answered one of Ms. Williamson's question as to where should she go next to solve her problems. Mr. Gabler felt she should see a lawyer who has some experience in Municipal Law.

Dennis Nero would like to have the City Solicitor look at our ordinances that we are not enforcing or cannot enforce. He stated if they are on the books and we don't enforce them, why be on the books.

Richard Dornisch felt Council should recognize and congratulate the Michael F. Gabler family and the Jim Auman family concerning Michael J. Gabler O.S.B. being ordained into priesthood on Saturday, May 17th at Saint Vincent Archabbey. He noted Rev. Gabler is a brother to Councilman Sean Gabler.

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Thomas Farley reminded Council of the Memorial Day Parade which will be held on Monday and to make sure they notify the American Legion if they plan to attend or not attend.

ANNOUNCEMENT

Mayor Geyer made the following announcement:

- Next Council meeting will be held on June 2, 2008 at 7:00 p.m.

ADJOURNMENT

Sean Gabler made a motion to adjourn the meeting.

Mayor

Shirley Dicklas
Recording Secretary